

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

HIS TABERNACLE FAMILY CHURCH, INC.)
and MICHEAL SPENCER,)

Plaintiffs,)

v.)

STEVEN G. JAMES, Superintendent of the New)
York State Police, in his official and individual)
capacities; WEEDEN A. WETMORE, District)
Attorney for the County of Chemung, New York,)
in his official and individual capacities; and)
MATTHEW VAN HOUTEN, District Attorney)
for the County of Tompkins, New York, in his)
official and individual capacities,)

Defendants.)

Case No.: 6:22-cv-06486-JLS

NOTICE OF MOTION FOR ATTORNEY’S FEES AND COSTS
UNDER 42 U.S.C. §1988 AND RULE 54(d)

PLEASE TAKE NOTICE that, pursuant to 42 U.S.C. §1988 and Rule 54(d) of the Federal Rules of Civil Procedure, Plaintiffs His Tabernacle Family Church, Inc. and Micheal Spencer (collectively, “Plaintiffs”) move the Court to award Plaintiffs their attorneys’ fees and costs as prevailing parties in this matter. Plaintiffs’ fair estimate of the total number of hours worked to date is 699.7. Plaintiffs’ fair estimate of the value of these hours is \$817,636.50.¹ Plaintiffs’ costs to date are \$7,166.60. In support of this motion, Plaintiffs submit the accompanying memorandum of law, declarations, and the attachments thereto.

¹ Should Defendants oppose this fee application, Plaintiffs intend to supplement this figure to include the fees and costs associated with preparing their reply brief. *See, e.g., Hines v. City of Albany*, 862 F.3d 215, 222 (2d Cir. 2017) (“Prevailing parties under Section 1988 are ... entitled to recover a reasonable fee for preparing and defending a fee application.”).

Dated: February 18, 2025

Respectfully submitted,

DAVID J. HACKER
JEREMY DYS*
RYAN GARDNER*
FIRST LIBERTY INSTITUTE
2001 West Plano Parkway
Suite 1600
Plano, TX 75075
(972) 941-4444

/s/ Anjan K. Ganguly
ANJAN K. GANGULY
GANGULY BROTHERS, PLLC
140 Allens Creek Road
Suite 220
Rochester, NY 14618
(585) 232-7747

ERIN E. MURPHY*
CLEMENT & MURPHY, PLLC
706 Duke Street
Alexandria, VA 22314
(202) 742-8900

**Pro hac vice*

Counsel for Plaintiffs